

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DEAN DABBASI,	§	
	§	
Plaintiff,	§	
	§	No. 4:20cv4344
VS.	§	
	§	Jury Trial Demanded
MOTIVA ENTERPRISES, LLC,	§	
	§	
Defendant.	§	

**PLAINTIFF'S MOTION TO COMPEL**

Plaintiff Dean Dabbasi files this motion to compel.

1. This is an age discrimination case. One of Mr. Dabbasi's allegations is that, over the course of a couple years (2017 to 2019), Motiva cleared out the older employees in his unit ("the E&S department") and replaced them with younger employees. This is, obviously, probative with respect to age discrimination.

2. Mr. Dabbasi sought discovery directed to this issue. Interrogatory No. 12 stated:

**INTERROGATORY NO. 12:** State the name, position, and date of birth of each person in the E&S department in 2017, 2018, and 2019, specifying the dates on which each person held each position. For each person who left the E&S department, state the reason (*e.g.*, quit, retired, terminated, etc.).

This should have been a non-controversial discovery request, but Motiva has refused to provide the information.

3. At first, Motiva refused to identify anyone other than Mr. Dabbasi and his direct supervisors – a total of four people. Motiva refused to provide any dates of birth (which determines the ages of the employees) or any names for 2017 and 2018. In its position statement to the EEOC, Motiva identified 23 employees in the E&S Department on the date that it terminated Mr. Dabbasi in 2019:

At the time of Mr. Dabbasi's termination, the E&S Department consisted of approximately 23 employees:

<b>Job Position</b>	<b>Age</b>
Assistant -Technology	67
Sr. Advisor - Strategic Planning	65
Senior Advisor - Crude	62
Mgr Production Planning	59
Products/Intermediates Scheduler	59
Customer Service - Rail Scheduler	56
Customer Service - Support	56
Economic Model Coordinator	55
Bus Measure/Strategic Integration Mgr	53
Heavy Oil Coordinator (Dean Dabbasi)	53
Customer Service - Contract & Invoicing Analyst	51
Customer Service - Truck Scheduler	50
Base Oils Coordinator	46
Economics Advisor	45

Crude Scheduler	43
Customer Service - Representative	39
Crude Coordinator	37
Customer Service Marine Scheduler	37
Gasoline Coordinator	36
Refinery Plan Implementer	36
Production Planning Manager	34
Contracts and Business Development Coordinator	33
Distillate Coordinator	28

Motiva thus refused to identify 19 of those people, and it also refused to identify anyone who worked in the department at other times during 2017, 2018, and 2019. This was obviously deficient.

4. Motiva later expanded its list to nine names, including Mr. Dabbasi.

The response is still woefully inadequate.

5. Motiva makes the following objection:

Motiva objects because this interrogatory is global, over broad, and not properly limited with regard to time, scope, or the allegations that form the basis of this claim. Motiva also objects because this request invades the privacy rights and interests of unrelated third parties. Subject to and without waiving the foregoing objections, Motiva answers as follows:

This does not make sense. The interrogatory is not global or overbroad: it is directed specifically toward people who worked in Mr. Dabbasi's department during the time period in which Motiva was weeding out the older employees. It is limited as to time (2017, 2018, and 2019), it has a reasonable scope, and it is directly relevant to the age discrimination claims in this case. The identity of the employees and their ages (as determined by dates of birth) does not implicate any privacy rights, much less rights of "unrelated" parties. In any event, Motiva proposed, and this Court approved, a confidentiality order. Motiva still refuses to provide this information.

6. In fact, Motiva has never provided a coherent reason for refusing to provide the information. If Motiva was systematically replacing older employees with younger employees during the time period leading up to Mr. Dabbasi's termination, that is obviously relevant to the existence of age discrimination and the pretextual nature of the reasons for Mr. Dabbasi's termination. Motiva is thus refusing to provide full discovery on an imminently relevant topic.

Accordingly, the Court should compel Motiva to make a full and complete response to Interrogatory No. 12,

Respectfully submitted,

/s/ David C. Holmes

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ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I certify that I have conferred with opposing counsel regarding this motion. This motion is opposed.

/s/ David C. Holmes

David C. Holmes

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this pleading was sent electronically to all counsel of record on February 11, 2022.

/s/ David C. Holmes

David C. Holmes